

means for visually indicating the reading result,  
characterized in that said visual indication means comprises:  
at least one indication light source, distinct from or coinciding with, the at least  
one acquisition light source of said acquisition means,  
means for imposing an information content to the light emitted by said at least one  
indication light source, said information content indicating the result of the reading  
performed by said means for reading, and  
means for projecting the light having the imposed information content,  
substantially at the optical code.

38. (New) Method for acquiring and reading optical codes comprising the steps  
of:

(a) acquiring an optical code through an optical code acquiring and reading  
apparatus, wherein said acquiring comprises generating an electric signal representative  
of said optical code,

(b) reading the acquired optical code through said optical code acquiring and  
reading apparatus, wherein said reading comprises processing said electric signal and  
interpreting or decoding it, and

(c) visually indicating the result of said reading step (b),  
characterized in that said indication step (c) is carried out by generating at least a  
luminous information substantially at the optical code.--

### REMARKS

Claims 1-18 and 26-33 stand rejected, with claims 19-25 and 34-36 objected to in  
the outstanding Official Action. Newly written claims 37 and 38 are offered for  
consideration. Therefore, claims 1-38 remain in this application.

Claims 1-7, 18, 26-38, 32 and 33 stand rejected under 35 USC §102 as anticipated by Suzuki (U.S. Patent 5,825,011). The Examiner alleges that the Suzuki reference teaches all claimed elements and method steps as set out in the rejected claims. The Examiner takes pains to point out that he imports the specification definition of applicants' phrase "indication of the reading result" into the claims. It is therefore submitted that the Examiner must also read the definitions of "reading of an optical code" into those same claims. Either the Examiner must apply the definitions set out on page 1 to all claimed aspects of applicants' invention, or he must use the language of the claims. He cannot selectively apply one definition and ignore the other definitions, i.e. he cannot utilize the definition "indication of the reading result" while ignoring the definition of "reading of an optical code."

As discussed and clearly defined in applicants' specification, page 1, lines 13-19, "reading" is "the processing of the electric signal and its interpretation or decoding."

Thus, the question then is whether applicants' independent claims 1, 18, 26 and 32 (as well as new independent claims 37 and 38) recite structures or structural combinations (or steps) which are shown in the Suzuki reference. For example, applicants' independent claims 1 and 37 specify "means for reading" and a "means for visually indicating the reading result." These claims further defines that the means for visually indicating includes a means for imposing information content on the light emitted by the at least one light source and that there is a means for projecting the light having the imposed information content, substantially at the optical code.

In applicants' claim, the optical code is "read" (as defined on page 1 of the specification). Responsive to the means for reading, the "reading result" is then visually indicated. The language of applicants' claim, even if taken without reference to the specification, indicates that the reading of the optical code has first been completed and then subsequently the result of that reading is visually indicated.

The Examiner contends that Suzuki's secondary light source 17 is turned off prior to the reading (step 12) and then turned back on at step 16 upon completion of the reading. However, apparently being inconsistent regarding definitions, the Examiner is not applying the definition of "reading" as set out in applicants' specification. This definition defines reading as "the processing of the electric signal and its interpretation or decoding." Thus, in view, e.g., of the definition of "reading", in order to complete the reading step the "interpretation or decoding" must first be completed (even if without success), and the reading step must be completed prior to the "indicating" step.

In Suzuki's Figure 6 the decoding occurs in steps STP17, STP18 and STP19. However, all of Suzuki's decoding steps occur after light source 17 is turned back on in step STP16. As a result, it is impossible for Suzuki by turning on light source 17 to indicate anything related to the "reading" or the "reading result," because light source 17 is turned back on in step STP16 **prior to the decoding portion of the reading operation.**

Suzuki's STP14, preceded by step STP13 and followed by STP15 for turning off and on light 17, respectively, is properly described in col. 8, lines 45 - 47, as an "imaging" step. "Imaging" is not the same as applicant's clearly defined "reading". Again, keep in mind that "reading" is (in applicant's parlance) "the processing of the electric signal and its interpretation or decoding."

Suzuki's Figure 6 clearly teaches that portions of the "reading" (per applicant's terminology) occur in steps STP17-STP19 and a reading result is not provided until step STP19, i.e. "output decoding result." As a result, Suzuki clearly fails to disclose the subject matter of applicants' independent claim 1 which requires "means for projecting the light, having the imposed information content, substantially at the optical code", since, e.g., the imposed information content indicates the reading result....

Moreover, Suzuki fails to teach or suggest applicant's methods of independent claims 18, 32, and 38 for essentially the same reasons. Claims 18 and 38 specify the step

of "visually indicating the result of said reading step." Claim 26 specifies that the indicator includes a projector of visible illumination "in response to a result of a reading of said optical code." Claim 32, like claim 18, specifies providing a visible indication of a result of "said acquiring and reading" step.

Thus, with respect to Claims 18, 26, 32, and 38, if the Examiner uses the clear meaning of the words in the claims without reference to the definitions in applicants' specification, the same distinction over the Suzuki reference is present, i.e. the acquiring and reading is completed before any visible indication is projected onto the optical code.

Further, applicant notes that Suzuki's sub lights 17 are not really intended to provide an indication of anything. Sub lights 17 serve only as guidelights to provide a spot light for displaying the center of a read area when the housing member 10 is brought near to the object (see col. 5, lines 27+). The sub lights 17 are turned off during symbol imaging in order to save power, enhance imaging, and improve automatic gain control (AGC). There is nothing in Suzuki which teaches that the user is somehow apprised of or entitled to rely on the fact that a particular activity has ceased when the sub lights 17 are turned back on. The reader of the Suzuki patent may deduce cessation of an operation by following the flowchart of Fig. 6, but there is no teaching in Suzuki that the user has knowledge of any such internal working (cessation/light reactivation relationship with reference to the sub lights 17).

Moreover, it may not even be discernable by a user that the sub lights 17 of Suzuki have been turned off during the imaging step STP14. The activation of light source unit 13 may obscure from the user the fact that the sub lights 17 were turned off (see, e.g., col. 8, line 63 through col. 9, line 39). Such being the case, the user would be oblivious and not receive any indication at all.

Thus, for reasons including the foregoing, there is simply no basis for arguing that claims 1-7, 18, 26-28, 32 and 33 (or new independent claim s 37 and 38) are anticipated by Suzuki and any further rejection thereunder is respectfully traversed.

It is also noted that not only does Suzuki fail to teach or suggest the claimed invention, Suzuki actually "teaches away" from applicants' inventive apparatus and method in that it suggests the turning on and turning off of light sources **before** the imaging step is completed. Suzuki clearly leads one of ordinary skill in the art away from applicants' claimed invention.

Claims 8, 12-14 and 30 stand rejected under 35 USC §103 as being unpatentable over Suzuki. Inasmuch as claims 8 and 12-14 all ultimately depend from claim 1 and inasmuch as claim 30 ultimately depends from independent claim 26, the above comments distinguishing claims 1 and 26 from the Suzuki reference are herein incorporated by reference.

Claims 9, 15-17 and 31 stand rejected under 35 USC §103 as unpatentable over Suzuki in further view of Bard (U.S. Patent 5,856,660). Claims 9 and 15-17 ultimately depend from claim 1 and claim 31 depends from claim 26. Accordingly, the above discussion of the Suzuki reference and the fact that claims 1 and 26 clearly define over the Suzuki reference is herein incorporated by reference. The Examiner does not indicate that Bard contains the teaching of claims 1 and 26 which is missing from Suzuki, i.e. the teaching that the projection of visible indication occurs as a result of the acquiring and reading step. Should the Examiner contend that this is disclosed in the Bard reference, he is respectfully requested to point out how or where he believes this to be disclosed.

Claims 10 and 11 stand rejected under 35 USC §103 as unpatentable over Suzuki in further view of Foster (U.S. Patent 5,587,704). Again, inasmuch as claims 10 and 11 ultimately depend from claim 1, the above comments distinguishing claim 1 from the Suzuki reference is herein incorporated by reference. The Examiner does not indicate that the Foster reference teaches the apparatus elements or method steps which are missing from Suzuki as noted above. There is no disclosure that Foster suggests that the projected visible indication occur **as a result of** the acquiring and reading step. Therefore, neither Suzuki nor Foster teach the structure in applicants' independent

claim 1 and therefore even if these references were combined, they could not render obvious the subject matter of claims 10 and 11.

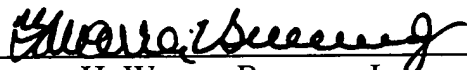
The Examiner's indication of allowable subject matter with respect to claims 19-25 and 34-36 is very much appreciated. However, at present it is believed unnecessary for applicants to redraft these claims in independent form.

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-38 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,  
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